

Congress of the United States
Washington, DC 20515

June 5, 2013

The Honorable Bob Perciasepe
Acting Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Perciasepe:

In light of the summary provided by the Competitive Enterprise Institute (CEI) of documents produced by the Environmental Protection Agency (EPA) and your appearance before the Energy and Commerce Committee to discuss the FY 2013 EPA budget, we are extremely concerned about the apparent bias shown in the Freedom of Information Act (FOIA) process at EPA.

This activity calls into question the objectivity of the FOIA employees at EPA and undermines public confidence in an agency that is charged with protecting our air and water. Worse, this comes to light as the Internal Revenue Service (IRS) and Department of Justice (DOJ) are being investigated for abuses of power. In the case of the IRS, as with the EPA, it appears as though conservative groups were targeted as well.

The Freedom of Information Act provides that any person has a right to obtain access to federal agency records, except to the extent that such records are protected from public disclosure. FOIA has been described as the law that keeps citizens in the know with respect to their government. Groups that are normally charged a fee for requesting information from government entities under FOIA may apply to have that fee waived under the law. You stated that it is administration policy not to treat groups differently, but the CEI summary indicates otherwise.

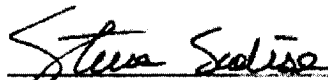
The CEI reviewed letters sent by EPA to groups requesting fee-waivers at the "initial determination" stage from January 2012 until spring of 2013. During this time, groups such as the Natural Resources Defense Council, Sierra Club, Public Employees for Environmental Responsibility, and EarthJustice were granted fee-waivers 92 percent of the time. On the other hand, requests made by CEI on behalf of itself and other groups were denied 93 percent of the time. In other words, fee-waiver requests submitted by groups that are considered to be right-leaning are denied most of the time, but requests submitted by groups that are considered to be left-leaning are granted most of the time.


As you work to fully investigate this matter, please provide answers to the following questions:

- 1) Who at EPA is in charge of determining whether fee-waiver requests are granted or denied?
- 2) What review processes are in place to ensure bias in decision-making does not occur?
- 3) What are the consequences for employees who are found to have taken actions motivated by politics?
- 4) How will your internal review capture the time-frame not referenced in the CEI findings?
- 5) What actions have you taken and do you plan to take to hold those accountable for any biased handling of FOIA fee waiver requests at the EPA?

We look forward to hearing from you in the near future.

Sincerely,


Steve Scalise
Member of Congress


Joe Barton
Member of Congress

Bob Gibbs

Bob Gibbs
Member of Congress

Michael Burgess

Michael Burgess
Member of Congress

David McKinley

David McKinley
Member of Congress

Morgan Griffith

Morgan Griffith
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Todd Rokita

Todd Rokita
Member of Congress

Jack Kingston

Jack Kingston
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Randy Weber

Randy Weber
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Steve Pearce

Steve Pearce
Member of Congress

Lynn Westmoreland

Lynn Westmoreland
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Marsha Blackburn

Marsha Blackburn
Member of Congress

Jeff Duncan

Jeff Duncan
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Kevin Brady

Kevin Brady
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Paul Broun

Paul Broun
Member of Congress

Andy Harris

Andy Harris
Member of Congress

Cynthia Lummis

Cynthia Lummis
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Kerry D. Bentivolio

Kerry Bentivolio
Member of Congress

Rich Nugent

Rich Nugent
Member of Congress

Tim Huelskamp

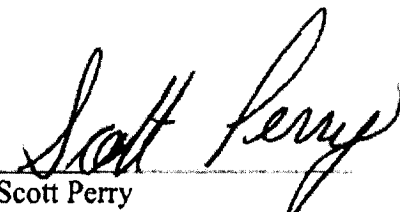
Tim Huelskamp
Member of Congress

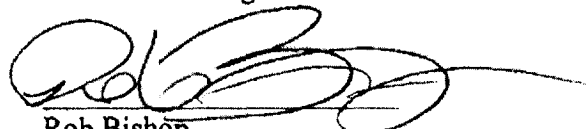
Steve Stockman

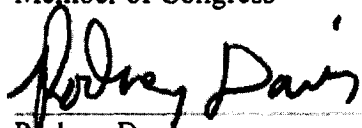
Steve Stockman
Member of Congress


Steve Chabot


Steve Chabot
Member of Congress

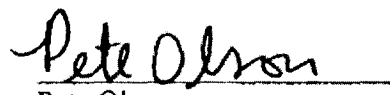

Scott Perry
Member of Congress


Rob Bishop
Member of Congress

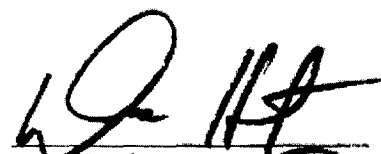

Rodney Davis
Member of Congress

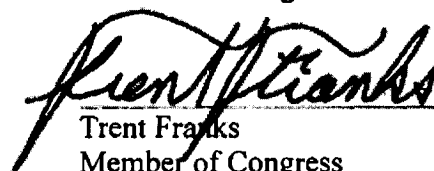

Steve Southerland
Member of Congress

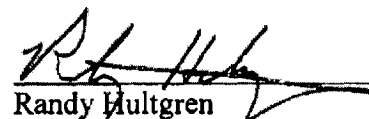

Robert Pittenger
Member of Congress



Pete Olson
Member of Congress

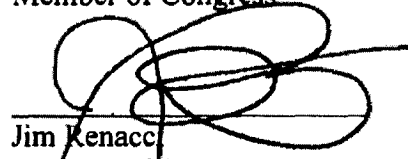

Blake Farenthold
Member of Congress

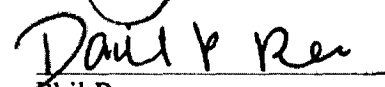

Doc Hastings
Member of Congress


Trent Franks
Member of Congress


Randy Hultgren
Member of Congress


John Fleming
Member of Congress


Jim Renacci
Member of Congress


Phil Roe
Member of Congress

